

## **REMARKS**

In the Action, claims 1-7 and 9-29 are rejected. In response, claims 1, 10, 12-14, 16, 17-23, and 26 are amended, and claims 4 and 15 are cancelled. New claims 30-33 are added to depend directly or indirectly from claim 12. Thus, the pending claims in this application are claims 1-3, 5-7, 9-14 and 16-33, with claims 1, 10, 12, 18, 22 and 26 being independent.

Claims 10, 18, 21 and 26 are allowed. However, claims 19 and 20 also depend from claim 18, and thus, are submitted to be allowable.

New claims 30-33 are added to depend ultimately from claim 12 and recite the additional components of the oral composition. These features are supported by the specification and the claims as originally filed.

In view of these amendments and the following comments, reconsideration and allowance are requested.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-9, 11, 12-17, 19, 20, 22-25 and 27-29 are rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent Publication No. 2001/0031744 to Kosbab in view of U.S. Patent Publication No. 2002/0044977 to Close. Claim 1 as amended is not obvious over the combination of Kosbab and Close as suggested in the Action. As amended, claim 1 is directed to an oral composition including 5 wt% to 15 wt% of a holistic extract of *Centipeda* in an amount effective to inhibit inflammation of oral tissue, 10-35 wt% coenzyme Q10, 10-35 wt% aloe vera, 10-35 wt% folic acid, and 2-10 wt% Vitamin E, where the percentages are based on the total weight of the bioactive compound in the oral composition. Kosbab discloses many different compositions and methods for prevention and treatment of chronic diseases and disorders. Kosbab discloses numerous components in many different combinations for different

uses. However, Kosbab provides no guidance, motivation or incentive to one of ordinary skill in the art to produce an oral composition for inhibiting growth of oral bacteria comprising the claimed bioactive agent.

In particular, Kosbab does not suggest the use of aloe vera in an oral composition as suggested in the Action. The passages cited in the Action relating to the use of powdered aloe vera are not oral compositions for inhibiting the growth of oral bacteria including a pharmaceutically acceptable carrier for oral use. The powdered aloe vera on page 4 of the Kosbab referred to in the Action relates to a specific formula for use in wound healing, and particularly healing of chronic persistent or reoccurring wounds, including decubitus ulcers. See, for example, paragraph 0089 of Kosbab. The only formulas disclosed in Kosbab for treating dental caries and periodontal disease are found on pages 7 and 8. The nine different formulas disclose a number of different components, but clearly do not disclose the use of aloe vera in an oral composition.

Kosbab further fails to disclose an oral composition comprising coenzyme Q10, folic acid, Vitamin E, and an extract of *Centipeda* genus, either alone or in combination with aloe vera. Thus, Kosbab provides no motivation or incentive to one of ordinary skill in the art to combine the components in the manner of the claimed invention. Furthermore, Kosbab provides no teaching or incentive to one of ordinary skill in the art to produce an oral composition for inhibiting the growth of oral bacteria comprising the claimed components.

Close is cited for disclosing an extract of *Centipeda* for use in many different compositions primarily for topical applications. Close provides no suggestion of an extract of *Centipeda* in combination with coenzyme Q10, aloe vera, folic acid or Vitamin E. Furthermore, Close provides no suggestion of using *Centipeda* extract in combination with the various components identified by Kosbab. Accordingly, it would not have been obvious to one of

ordinary skill in the art to include the *Centipeda* extract of Close in combination with the compositions of Kosbab. Moreover, even if one were to do so, the resulting combination would not be an oral composition containing aloe vera as in claim 1 and would not contain the claimed amounts of the various components. Accordingly, claim 1 is not obvious over the combination of Kosbab and Close.

Claim 12 as amended is also not obvious over the combination of Kosbab and Close. As amended, claim 1 is directed to an oral composition comprising a bioactive agent for inhibiting the growth of oral bacteria and treating inflammation of gum tissue where the bioactive agent comprises an extract of *Centipeda cunninghami*, coenzyme Q10, aloe vera, folic acid, and at least one antiseptic agent selected from the group consisting of oregano oil, clove oil, eucalyptus oil, oil of lavender, thyme oil, and mixtures thereof. For the reasons discussed above, the combination of Kosbab and Close do not disclose an oral composition comprising an extract of *Centipeda*, coenzyme Q10, aloe vera and folic acid in the claimed amounts. Furthermore, Close and Kosbab also fail to disclose the oral composition including about 1 to about 10 wt% of an antiseptic agent selected from the group consisting of oregano oil, clove oil, eucalyptus oil, oil of lavender, thyme oil, and mixtures thereof. Accordingly, claim 12 as amended is not obvious over Close and Kosbab either standing alone or in combination.

Independent claim 22 is directed to a method of treating periodontal infections and inhibiting the growth of oral bacteria and treating inflammation by topically applying a composition comprising an extract of *Centipeda cunninghami*, coenzyme Q10, aloe vera, and folic acid. As discussed above, neither Close or Kosbab disclose an oral composition containing aloe vera, and thus, clearly fail to disclose a method of treating periodontal infection, inhibiting growth of oral bacteria, and treating inflammation by topically applying the claimed composition. Furthermore, Close provides no suggestion of combining the *Centipeda* extract

with various components of Kosbab in the manner recited in the claims. Accordingly, claim 22 is not obvious over the combination of Kosbab and Close.

The dependent claims are also allowable as depending from an allowable base claim and for reciting additional features of the invention that are not disclosed or suggested in the Kosbab or Close. For example, the cited patent publications do not disclose the amount of the extracts of claims 2, 7 and 9 either alone or in combination with the composition of claim 1. The claims depending from claim 12 and claim 22 are allowable for the same reasons.

Claims 1-7, 9, 11, 12-17, 19, 20, 22-25 and 27-29 are rejected as being obvious over Close in view of U.S. Patent No. 6,200,550 to Masterson et al. Masterson et al. is cited for disclosing an oral composition that includes coenzyme Q10, Vitamin E, and folic acid in various amounts in combination with numerous other components. The rejection is based on the position that it would have been obvious to include the extract of *Centipeda* of Close in the composition of Masterson et al.

Close provides no teaching, motivation or incentive to one of ordinary skill in the art to use one of the components of the disclosed composition in the composition of Masterson et al. as suggested in the Action. The rejection is based on an arbitrary selection of a single component of Close and adding the component to the specifically disclosed composition of Masterson et al. in the absence of any motivation or incentive to do so. Furthermore, Close does not disclose the claimed amounts of the *Centipeda* extract. The only oral composition disclosed in Close contains 2.1% of the *Centipeda* extract, which is outside the claimed range by a factor of 2. See, for example, claim 2 which recites the *Centipeda* extract being present in an amount of 0.5% to 1% by weight, which is less than half the amount disclosed by Close.

Masterson et al. is specifically directed to compositions containing coenzyme Q10 in various amounts. Masterson et al. provides no suggestion of including other undisclosed components, such as the *Centipeda* extract of Close as suggested in the Action.

Masterson et al. also fails to disclose or suggest an oral composition including aloe vera as recited in the claims. The Action provides no basis for the obviousness of including aloe vera in an oral composition as in the claimed invention. Accordingly, the Action has no established *prima facie* obviousness of the composition or the method of treatment as claimed.

Furthermore, Masterson et al. does not disclose or suggest the claimed amounts of folic acid and Vitamin E as recited in the claims. The amount of folic acid disclosed in the compositions of Masterson et al. as less than 1/3 the minimum amount of folic acid recited in the claims. In particular, claim 7 recites the amount of folic acid being 0.5 wt% to about 1.5 wt% based on the weight of the composition, whereas Masterson et al. discloses only 0.17 wt%. Furthermore, the amount of tocopheryl acetate disclosed in Masterson et al. exceeds the amount of Vitamin E recited in the claims. Thus, contrary to the suggestion in the Action, Masterson et al. and Close do not disclose or reasonably suggest the claimed amounts of the components. Furthermore, the assertion in the Action that the claimed amounts are obvious variants is based on hindsight and is not supported by the art of record.

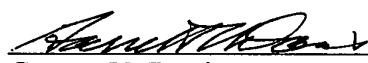
In view of the above, the claims are not obvious over the combination of Close and Masterson et al. since neither cited patent discloses aloe vera and do not disclose or suggest the extract of *Centipeda*, coenzyme Q10, aloe vera, folic acid and Vitamin E in the claimed amounts of claim 1. Close and Masterson further fail to disclose an oral composition of claim 12 comprising aloe vera, or the combination of the *Centipeda* extract, coenzyme Q10, aloe vera, folic acid, and at least one antiseptic agent selected from the group consisting of oregano oil, clove oil, eucalyptus oil, oil of lavender, thyme, and mixtures thereof as in claim 12.

The combination of Close and Masterson et al. further fail to disclose the claimed method of treating periodontal infections, inhibiting growth of oral bacteria, and treating inflammation by topically applying a composition containing a *Centipeda* extract, coenzyme Q10, aloe vera and folic acid in the claimed amounts as in claim 22. For the reasons discussed above, the claimed amounts and the combination of components are not obvious to one of ordinary skill in the art as suggested in the Action. Accordingly, the independent claims and the claims depending therefrom are allowable over the combination of Close and Masterson et al.

The claims are also rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2005/0158252 to Romanowski et al. Romanowski et al. is based on a provisional application filed December 22, 2003. Applicants are preparing a Declaration Under 37 C.F.R. § 1.131 establishing a date of conception and reduction to practice of the invention prior to December 22, 2003. Accordingly, the Declaration effectively swears behind the effective date of Romanowski et al.

In view of these amendments and the above comments, the claims are submitted to be allowable over the art of record. Thus, reconsideration and allowance are requested.

Respectfully submitted,



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